

6. **2007SP-038G-10**
Granny White Pike SP
Map 159-00, Part of Parcel 085 and Part of Parcel 228
Subarea 10 (2005)
Council District 34 - Lynn Williams

A request to change from R40 to SP zoning a portion of properties located at 5638 and 5640 Granny White Pike, approximately 1,150 feet north of Old Hickory Boulevard (3.23 acres), to permit 3 of the 13 proposed lots to have two detached residential units on the same lot, requested by Hawkins Partners, applicant, for Bethel World Outreach Center, owners.

STAFF RECOMMENDATION: Approve with conditions with Stormwater conditions of approval.

APPLICANT REQUEST -Preliminary SP

A request to change from One and Two-Family Residential (R40) to Specific Plan (SP) zoning a portion of properties located at 5638 and 5640 Granny White Pike, approximately 1,150 feet north of Old Hickory Boulevard (3.23 acres), to permit 3 of the 13 lots proposed in the Granny White Subdivision to have two detached residential units on the same lot.

Existing Zoning

R40 District - R40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25% duplex lots.

Proposed Zoning

SP District - Specific Plan is a zoning district category that provides for additional flexibility of design, including the relationship of buildings to streets, to provide the ability to implement the specific details of the General Plan.

- The SP District is a base zoning district, not an overlay. It will be labeled on zoning maps as “SP.”
- The SP District is not subject to the traditional zoning districts’ development standards. Instead, urban design elements are determined for the specific development and are written into the zone change ordinance, which becomes law.
- Use of SP **does not** relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP **does not** relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

GREEN HILLS/MIDTOWN COMMUNITY PLAN

Residential Low -RL policy is intended to conserve large areas of established, low density (one to two dwelling units per acre) residential development. The predominate development type is single-family homes.

Consistent with Policy? - Yes. The density proposed by the Granny White Subdivision falls within the 1-2 dwelling units per acre with 1.14 dwelling units per acre.

Staff Recommendation - Within the R40 zoning district, 25% of the lots in a subdivision may be duplex units; therefore 3 lots in the associated subdivision could be duplex units. The policy calls for the pre-dominant development type to be single family. This SP proposes that instead of attached duplex units on the subject lots, that the units be detached but occupy the same lot. Staff recommends approval as this would fit with the intent of the RL land use policy.

RECENT REZONINGS - None.

PLAN DETAILS - This plan includes three lots within the Granny White Subdivision. As stated above,

instead of the lots being developed as attached duplex units, the units will be detached but occupy the same lot. The detached units will have 10 feet of separation between the units.

Acceptable materials include brick, case stone, cultured stone, cementitious siding, stucco or wood. Vinyl and metal siding are prohibited.

No front facing garages will be allowed. All garages shall face the side or rear of the lot.

PUBLIC WORKS RECOMMENDATION -The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

Along Granny White Pike property frontage, construct 1/2 collector roadway section.

Maximum Uses in Existing Zoning District: R40

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached(210)	3.23	0.93	3	29	3	4

Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached(210)	3.23	n/a	6	79	14	9

Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--			+3	50	11	5

METRO SCHOOL BOARD REPORT

Projected student generation* 1 Elementary 1 Middle 1 High

Schools Over/Under Capacity - Students would attend Percy Priest Elementary School, Moore Middle School, or Hillsboro High School. None of these schools have been identified as being over capacity. This information is based upon data from the school board last updated August 2006.

STORMWATER RECOMMENDATION - Preliminary SP Returned for Correction.

1. It has been decided that the individual Bio-swales are not an acceptable water quality concept. Show and label a new water quality concept.
2. The draining of the pre-existing pond and attendant stream restoration must be approved by the Stormwater Management Committee prior to concept plat approval. Currently, Appeal #2007-016 is not approved.
3. With reference to comment number 2 above, the stream will require a buffer if a stormwater variance is granted. Consequently, lots 10 and 11 must be reconfigured, as lots are not allowed within buffers.

CONDITIONS

MPC (3/22/07)

1. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the R40 zoning district effective at the date of the building permit. This zoning district must be shown on the plan.
2. The application, including attached materials, plans and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the planning department and department of codes administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
3. All Public Works and Stormwater conditions shall be addressed and a revised copy of the preliminary SP shall be submitted to the Planning Commission within 30 days of the Planning Commission's action.
4. All stormwater management requirements and conditions of the Department of Water Services shall be approved prior to approval of the final site plan. Prior to the issuance of any permits, confirmation of compliance with the final approval of this proposal shall be forwarded to the Planning Department by the Stormwater Management division of Water Services.
5. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
6. Subsequent to enactment of this Specific Plan district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owner's signatures, to the Planning Commission staff for review.
7. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
8. Minor adjustments to the site plan may be approved by the planning commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or intensity, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
9. Within 120 days of Planning Commission approval of this preliminary SP plan, and in any event prior to any additional development applications for this property, including submission of a final SP site plan, the applicant shall provide the Planning Department with a final corrected copy of the preliminary SP plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the preliminary SP plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

[Note: Items #6 and #14 were discussed by The Metropolitan Planning Commission together. See Item #14 for actions and resolutions.]

14. 2007S-042G-10

Granny White Pike
Map 159-00, Parcels 085, 086, 201, 228
Subarea 10 (2005)
Council District 34 - Lynn Williams

A request for concept plan approval to create 13 lots on properties located at 5638, 5640, 5644 and 5648 Granny White Pike, approximately 1,150 feet north of Old Hickory Boulevard (13.97 acres), zoned R40 and proposed for SP, requested by Bethel World Outreach, owner, Barge Cauthen & Associates, surveyor.

STAFF RECOMMENDATION: Approve with conditions including Stormwater conditions of approval.

APPLICANT REQUEST - Concept Plan

A request for concept plan approval to create 13 lots on properties located at 5638, 5640, 5644 and 5648 Granny White Pike, approximately 1,150 feet north of Old Hickory Boulevard (13.97 acres), zoned One and Two-Family Residential (R40) and proposed for Specific Plan (SP).

ZONING

R40 District - R40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25% duplex lots.

PLAN DETAILS - The plan proposes 13 lots on a cul-de-sac. The property is zoned R40, and 25% of the lots in the subdivision may be duplex units; therefore 3 lots in the proposed subdivision are designated as duplex units. A Specific Plan application is also on this agenda (2007SP-038G-10). The SP proposes that, instead of attached duplex units on the subject lots, the units be detached but occupy the same lot.

There are no stub streets provided. The properties on the north and south sides are already developed without options for future connectivity. There is an opportunity to provide a stub street to the east. The applicant did not provide a stub street because they felt the site was too steep to develop. Staff has looked at the topography of the site, and much of it is too steep to develop. The only portions of the abutting property that could be developed, however, are in the proximity of the potential location of the stub street.

Therefore, staff is recommending that a stub street to the east be provided. If a stub street is not provided, a variance will need to be granted for exceeding the maximum length of cul-de-sac. If the Commission decides to approve a variance to allow the cul-de-sac, staff recommends that a mid-block traffic calming device be provided.

The applicant has added a note that Lots 1-4 will not have direct access to Granny White Pike. The applicant has proposed that they utilize shared drives from the internal street across the front of the lots. Staff recommends that the driveways be placed at the rear of the lots to preserve the views into the property from Granny White Pike.

Staff Recommendation - Staff recommends approval as this with the following revisions:

1. A stub street provided to the east.
2. Shared driveways for lots 1-4 located at the rear of the lots.

PUBLIC WORKS RECOMMENDATION

- The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- Along Granny White Pike property frontage, construct 1/2 collector roadway section.

STORMWATER RECOMMENDATION -Returned for Correction

1. It has been decided that the individual Bio-swales are not an acceptable water quality concept. Show and label a new water quality concept.

2. The draining of the pre-existing pond and attendant stream restoration must be approved by the Stormwater Management Committee prior to concept plat approval. Currently, Appeal #2007-016 is not approved.
3. With reference to comment number 2 above, the stream will require a buffer if a stormwater variance is granted. Consequently, lots 10 and 11 must be reconfigured, as lots are not allowed within buffers.

CONDITIONS

1. A stub street to the east must be provided.
2. The shared driveways for lots 1-4 shall be provided at the rear of the lots.
3. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, if this application receives conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the effective date of the Commission's conditional approval vote.

Ms. Withers presented and stated that staff is recommending approval with conditions on Zone Change 2007SP-038G-10 as well as approval with conditions on Concept Plan 2007S-042G-10, both to include the Stormwater conditions of approval. Ms. Withers noted that Stormwater had provided comments that were addressed by the applicant after the staff report was mailed out, and that a variance has been granted by the Stormwater Appeals Board for the property.

Mr. Jack Faris, 5629 Ottershaw Court, spoke in opposition to the proposal.

Mr. Don Moody, 5605 Ottershaw Court, spoke in opposition to the proposal.

Mr. Charles Kimball, 1249 E. Hickory Springs Court, spoke in opposition to the proposal. He submitted information to the Commission.

Ms. Kim Hawkins, 2205 Natchez Trace, spoke in favor of the proposal.

Ms. Patty Zarnick, 412 Oakley Hill, expressed issues with the proposal.

Mr. John Gore, 208 Manchester Avenue, spoke in favor of the proposal.

A resident of High Valley Subdivision spoke in opposition to the proposal.

Mr. Tyler requested clarification on the number of detention ponds located within this proposal.

Mr. Steve Mishu, Metro Stormwater, explained the number of ponds included in the proposal. He stated that any water issues associated with the plan will be addressed at the construction document phase of development.

Ms. Cummings explained that the new development would not be approved if it were to cause additional water problems.

Mr. Mishu explained that the request is still at a preliminary conceptual stage and they would not be able to run drainage calculations until the construction document phase. He further explained that if the Stormwater conditions were not met, there would be no issuance of grading permits for the development.

Mr. McLean requested clarification on the number of housing units to be placed in the development.

Mr. Bernhardt explained this concept to the Commission.

Mr. McLean requested additional information on the shared driveway access that was included in the proposal.

Mr. Ponder offered alternative suggestions to better accommodate single family homes for this proposal.

Mr. Bernhardt offered that with the SP zoning the suggestions made by Mr. Ponder could be accomplished.

Ms. Jones stated there was uncertainty, but without the applicant's approval, the proposal could not be deferred.

Mr. Loring offered that due to the number of uncertainties included in the proposal he was not in favor of approving as it has been submitted. He suggested deferring to allow additional community input.

Mr. Ponder suggested a deferral to allow additional time for neighborhood input.

Mr. Ponder moved and Mr. McLean seconded the motion to approve with conditions Zone Change 2007SP-038G-10 with the recommendation that it allows six detached units on six detached lots, as well as approve with conditions Concept Plan 2007S-042G-10, to include 13 lots, single-family only; both proposals to include the Stormwater conditions of approval. **(6-2) No Votes – Loring, Tyler**

Resolution No. RS2007-103

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-038G-10 is **APPROVED WITH CONDITIONS (6-2), including Stormwater conditions of approval and that the six dwelling units be located on separate platted lots.**

Conditions of Approval:

1. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the R40 zoning district effective at the date of the building permit. This zoning district must be shown on the plan.
2. The application, including attached materials, plans and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the planning department and department of codes administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
3. All Public Works and Stormwater conditions shall be addressed and a revised copy of the preliminary SP shall be submitted to the Planning Commission within 30 days of the Planning Commission' action.
4. All stormwater management requirements and conditions of the Department of Water Services shall be approved prior to approval of the final site plan. Prior to the issuance of any permits, confirmation of compliance with the final approval of this proposal shall be forwarded to the Planning Department by the Stormwater Management division of Water Services.
5. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
6. Subsequent to enactment of this Specific Plan district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owner's signatures, to the Planning Commission staff for review.

7. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
8. Minor adjustments to the site plan may be approved by the planning commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or intensity, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
9. Within 120 days of Planning Commission approval of this preliminary SP plan, and in any event prior to any additional development applications for this property, including submission of a final SP site plan, the applicant shall provide the Planning Department with a final corrected copy of the preliminary SP plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the preliminary SP plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

The proposed SP plan to allow for six individual homes on six individual lots instead of three duplex lots as allowed with the R40 base zone district is consistent with the Green Hills/Midtown Community Plan's Residential Low policy, which is predominantly for single-family developments with a density of between 1 and 2 units per acre."

Resolution No. RS2007-104

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-042G-10 is **APPROVED WITH CONDITIONS (6-2), including Stormwater conditions of approval and no duplex lots.**

Conditions of Approval:

1. A stub street to the east must be provided.
2. The shared driveways for lots 1-4 shall be provided at the rear of the lots.

Pursuant to 2-3.4.e of the Metro Subdivision Regulations, if this application receives conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the effective date of the Commission's conditional approval vote."